

In the Matter of)
)
CSX TRANSPORTATION, INC.)
)
Licensee of Conventional Industrial/Business Pool)
Radio Service Station WPKH966, Calhoun,)
Georgia)

⁴ See 47 C.F.R. § 87.173.

4. As discussed above, either the coordination of CSX's application or the grant of CSX's authorization was defective because frequency 131.4150 MHz is not allocated for Industrial/Business Pool operations. We believe that Section 316(a)(1) of the Communications Act of 1934, as amended, provides the appropriate vehicle for resolving this matter.⁵ Section 316(a) permits the Commission to modify a station license if the action will promote the public interest, convenience, and necessity.⁶ In this connection, we note that proposed modification would serve the public interest by preserving the existing coverage areas of affected parties and preventing harmful interference, while not unduly disrupting CSX's operations.

5. Consequently, we propose to modify CSX's license for Station WPKH966 to replace frequency 131.4150 MHz at location 2 with 161.4150 MHz. In accordance with Section 1.87(a) of the Commission's Rules,⁷ we will not issue a modification order until CSX has received notice of our proposed action and has had an opportunity to file a protest. To protest the modification, CSX must, within thirty days of the release date of this *Memorandum Opinion and Order*, submit a written statement with sufficient evidence to show that the modification would not be in the public interest. The protest must be filed with the Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W., Room TW-A325, Washington, D.C. 20554.⁸ If no protest is filed, CSX will have waived its right to protest the modification and will be deemed to have consented to the modification.

6. *Conclusion.* For the reasons stated above, we conclude that the grant of CSX's application was defective to the extent that it authorized operations on frequency 131.4150 MHz. Accordingly, we propose the modification of CSX's license for Station WPKH966 to replace frequency 131.4150 MHz at location 2 with 161.4150 MHz.

7. ACCORDINGLY, IT IS PROPOSED that, pursuant to Sections 4(i) and 316(a) of the Communications Act of 1934, 47 U.S.C. §§ 154(i), 316, and Section 1.87 of the Commission's Rules, 47 C.F.R. § 1.87, the license for Private Land Mobile Radio Service Station WPKH966, Calhoun, Georgia, held by CSX Transportation, Inc., BE MODIFIED by replacing frequency 131.4150 MHz at location 2 with frequency 161.4150 MHz.

8. IT IS FURTHER ORDERED that this *Memorandum Opinion and Order* shall be sent by certified mail, return receipt requested, to CSX Transportation, Inc., 5220 Belfort Road, Suite 300, Jacksonville, FL 32256, Attn: T. C. Miller Comm. Dept. J 958.

⁵ 47 U.S.C. § 316(a)(1).

⁶ *Id.*

⁷ 47 C.F.R. § 1.87(a).

⁸ The address for FCC locations should be used only for documents filed by United States Postal Service first-class mail, Express Mail, and Priority Mail. Hand-delivered or messenger-delivered documents for the Commission's Secretary are accepted only at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service, Express Mail, and Priority Mail) should be addressed for delivery to 9300 East Hampton Drive, Capitol Heights, MD 20743. See FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, *Public Notice*, 16 FCC Rcd 22165 (2001).

9. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

D'wana R. Terry
Chief, Public Safety and Private Wireless Division
Wireless Telecommunications Bureau